

Appl. No. : 10/760,126  
Filed : January 16, 2004

## REMARKS

The May 4, 2006 Office Action was based upon pending Claims 9-14. This amendment adds new Claims 16-21. Thus, after entry of this Amendment, Claims 9-14 and 16-21 are pending and presented for further consideration.

### Objections to Specification

The Examiner objected to the abstract of the disclosure because it contains the title of the invention. By the foregoing amendment to the specification, Applicant has deleted the title above the heading of the abstract.

### Claim Rejections

The Examiner provisionally rejected Claims 9-14 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 23-25 and 27-29 of Applicant's co-pending U.S. Patent Application No. 10/758,952.

The Examiner rejected Claims 9-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,978,236 issued to Faberman, et al. ("the Faberman patent") in view of U.S. Patent No. 5,621,299 issued to Krall ("the Krall patent").

### Provisional Double Patenting Rejection of Claims 9-14

Applicant acknowledges the provisional double patenting rejection; however, since no claims in the co-pending application have been allowed, a terminal disclaimer is not yet appropriate. Applicant will submit a terminal disclaimer when the identified claims have been allowed in both applications if the claims have not otherwise been amended to overcome the double patenting rejection.

### Rejection of Claims 9-14 under 35 U.S.C. § 103(a)

The Examiner rejected Claims 9-14 under 35 U.S.C. § 103(a) as being unpatentable over the Faberman patent in view of the Krall patent.

Independent Claim 9

Focusing in particular on Claim 9 and the embodiment shown in Figures 1 and 3, a method for controlling battery power comprises the acts of selectively providing a first external power source (P1) or a second external power source (P2) to a device 108 coupled to a system power terminal (V-LOAD) and coupling an internal battery 110 to the system power terminal via a series-connected transistor 300. The method further comprises charging the internal battery by regulating the transistor to conduct a charging current in a first direction from the system power terminal to a positive battery terminal (V-BATTERY) during a charging mode, wherein the charging current is linearly adjusted to prevent a supply current from exceeding a predefined threshold. For example, an error amplifier 306 compares a current sense signal (I-SENSE) indicative of the supply current with a reference level (REF1 or REF2) corresponding to the predefined threshold to generate a control signal that is provided to a pass element driver 302. The pass element driver 302 can linearly vary the voltage for a control terminal (e.g., gate) of the transistor 300 to linearly adjust the charging current conducted by the transistor.

In contrast, the references cited by the Examiner do not linearly adjust a charging current conducted by a transistor to charge a battery. Referring to Figure 5 of the Faberman patent, a switch S1F is turned on and off at a desired duty cycle to conduct current pulses to charge a battery while a diode D4F in parallel with the switch conducts an unregulated discharge current from the battery during fault conditions. The switch S1F is controlled by a Battery Charger Control using duty cycle control (or switching techniques) which means the current conducted by the switch S1F is not adjusted linearly. Instead, the duty cycle (or duration that the switch S1F is closed) is adjusted to control power provided to a battery.

Because the references cited by the Examiner do not disclose, teach or suggest linearly adjusting a charging current conducted by a transistor to a battery, Applicant asserts that Claim 9 is not obvious in view of the Faberman patent and the Krall patent. Applicant therefore respectfully submits that Claim 9 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 9.

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Dependent Claims 10-14

Claims 10-14, which depend from Claim 9, are believed to be patentable for the same reasons articulated above with respect to Claim 9, and because of the additional features recited therein.

New Claims 16-21

New Claims 16-21 have been added to more fully define the Applicant's invention and are believed to be fully distinguished over the prior art of record.

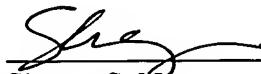
Conclusion

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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